

EXTRADITION

*Exchange of notes at Rome April 16 and 17, 1946, supplementing
convention of March 23, 1868*

Entered into force April 17, 1946; operative May 1, 1946

61 Stat. 3687; Treaties and Other
International Acts Series 1699

*The American Chargé d'Affaires ad interim to the Minister of Foreign
Affairs*

ROME, April 16, 1946

EXCELLENCY:

As you know, the Extradition Convention between the United States of America and Italy, which was signed in Washington, D. C., on March 23, 1868,¹ provides in the first article thereof for the extradition of persons who may be convicted of, or charged with, having committed the crimes enumerated in the second article thereof. The Convention under reference, however, does not expressly indicate whether the nationals of each of the two contracting parties are included among such persons.

The Government of the United States of America, in conformity with American laws, has never experienced difficulty in surrendering American citizens under the terms of the aforementioned Convention. On the other hand, you will recall that the Italian Government in the past has not surrendered its nationals upon their being requisitioned by the Government of the United States since Italian Law has not permitted the extradition of Italian nationals unless such action were expressly provided in an international convention.

So that this Extradition Convention between the United States of America and Italy in the future may be rendered operative in the fullest sense of reciprocity, the Government of the United States would appreciate being informed whether the Italian Government would agree that the provisions

¹ TS 174, *ante*, p. 76.

of the first article of the Convention will be applied reciprocally henceforth also to persons having Italian nationality.

Accept, Excellency, the assurances of my most distinguished consideration.

DAVID MCK. KEY

American Chargé d'Affaires ad Interim

His Excellency

ALCIDES DE GASPERI,

*Royal Ministry of Foreign Affairs,
Rome.*

The Minister of Foreign Affairs to the American Chargé d'Affaires ad interim

[TRANSLATION]

THE MINISTRY OF FOREIGN AFFAIRS

12948/66

Rome, April 17, 1946

MR. CHARGÉ D'AFFAIRES:

In reply to your note of April 16, concerning Article 1 of the Extradition Convention between the United States of America and Italy, signed at Washington on March 23, 1868, I have the honor to communicate to you that the Italian Government, having regard for the present state of Italian legislation, agrees to the provision of Article 1 of the said Convention also being applied, under conditions of reciprocity, to individuals having Italian citizenship.

The present declaration shall have effect counting from May 1, 1946.

Please accept, Mr. Chargé d'Affaires, the expression of my highest consideration.

DE GASPERI

Mr. DAVID MCK. KEY

*Chargé d'Affaires ad interim of the
United States of America,
Rome*